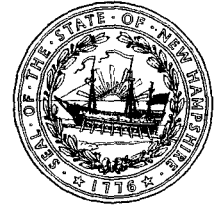




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

March 7, 2005

Mr. Nick Tourlitis
235 Main Street
Nashua, New Hampshire 03060

CERTIFIED MAIL (7099 3400 0018 1290 2520)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

RE: Improper Asbestos Removal at 14 West Hollis Street, Nashua, NH

Dear Mr. Tourlitis:

On November 12, 2004 the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received a telephone call from Mr. Mike Oliva of Dunne's Enterprises ("Dunne's"), a licensed asbestos abatement contractor. Mr. Oliva reported that John Wojcik was performing an interior renovation at a building owned by you and located at 14 West Hollis Street, Nashua, NH (the "Property") and had removed some vinyl asbestos floor tile ("VAT"). The Nashua Environmental Health Department observed the VAT mixed in with the demolition debris being removed from the Property and stopped the project. You then hired Dunne's to perform asbestos remediation work at the Property.

On November 15, 2004, DES personnel went to the Property in order to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. DES personnel observed Dunne's employees securing the Property and initiating preparations for asbestos abatement. The DES inspector observed and photographed a quantity of VAT mixed in with demolition debris inside a dumpster on the Property. The DES inspector obtained a sample of the VAT for laboratory analysis, and learned that Dunne's had already tested samples of the VAT. The analysis showed that the VAT contained asbestos in an amount greater than one percent.

On November 16, 2004, DES personnel returned to the Property to conduct a follow-up inspection. Negative pressure containment and necessary barriers were in place, and Dunne's employees were completing the site preparation. DES personnel spoke with Dunne's employees, and checked their documentation. As a result of the inspections and of the information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered during the inspection conducted on November 15, 2004. The specific violations are as follows:

- Env-A 1804.01 requires that before undertaking any renovation, each facility operator shall provide for an inspection, by a competent person, of the affected portion(s) of the facility for the presence of asbestos containing material ("ACM"). Env-A 101.80 defines a competent person as someone capable of identifying asbestos hazards and who has completed, at a minimum, a training course for asbestos inspectors

- Env-A 1805, *Work Practice Requirements* contains specific provisions pertaining to the proper handling, removal, and disposal of ACM. In particular, Env-A 1805.02 requires personnel involved in any major asbestos abatement projects to be licensed and certified. In addition, Env-A 1805 requires that the operator of a facility at which major asbestos abatement activity will occur take steps to prevent exposure to asbestos fibers during removal, including isolating the work area and using wet removal methods. John Wojcik is not a licensed abatement contractor in the State of New Hampshire and did not follow required work practice standards during the removal of the ACM.

DES wants to make it clear that there are requirements for conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. Please be advised that if the presence of ACM is suspected, an inspection for ACM should be conducted prior to initiating any future renovation or demolition activities. As Dunne's has already performed the necessary clean up work and removed the remaining ACM from the Property in accordance with the rules, no further action related to the listed violations is required. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Air Resources Division, Compliance Bureau, at (603) 271-1373.

Sincerely,



Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/jwr

Enc.: Env-A 1800
List of asbestos abatement contractors

cc: W. Toland, EPA Region 1
G. Hamel, Legal Unit Administrator
M. Tremblay, Nashua Environmental Health Dept.
T. Dunne, Dunne's Enterprises LLC
AFS # 330083333